

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEMETRIUS MAGGIT,

Plaintiff,

Case No. 1:19-cv-411

v.

Honorable Paul L. Maloney

MICHIGAN DEPARTMENT OF
CORRECTIONS et al.,

Defendants.

ORDER DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS*

This is a civil rights action brought by a county jail inmate seeking relief under 42 U.S.C. § 1983 for incidents that occurred while he was a state prisoner. Plaintiff has failed to pay the filing fee. Instead, he seeks leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. (ECF No. 2.) He has filed an affidavit of indigence in support of his request.

The filing and administrative fees for a civil action total \$400.00. 28 U.S.C. § 1914; Judicial Conference Schedule of Fees, District Court Miscellaneous Fee Schedule. The Court may only grant *in forma pauperis* status if “an affidavit that includes a statement of all assets such prisoner possesses [shows] that the person is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). Plaintiff’s affidavit, however, reveals that he has recently settled other litigation in this Court for a significant sum that indicates that he is able to pay his filing fees in this action. Therefore, Plaintiff is not entitled to proceed *in forma pauperis* in this action. Plaintiff has 28 days from the date of entry of this order to pay the \$400.00 filing and administrative fees. If Plaintiff fails to pay the filing fee within the 28-day period, his case will be dismissed without prejudice.

At the time Plaintiff filed his complaint he was housed at the Kent County Jail. On June 4, 2019, Plaintiff was released. Plaintiff anticipated his release. In his complaint he indicated that upon his release, his address would be 848 W. 103rd Street, Apt. #211, Chicago, Illinois, 60643. Accordingly:

IT IS ORDERED that Petitioner's application for leave to proceed *in forma pauperis* (ECF No. 2) is **DENIED**.

IT IS FURTHER ORDERED that within 28 days hereof, Petitioner shall pay the \$400.00 filing and administrative fees to the Clerk of this Court. Petitioner's failure to comply with this order will result in dismissal of this case without prejudice.

IT IS FURTHER ORDERED that the Clerk shall send documents to Plaintiff at his Chicago address rather than the Kent County Jail address.

Dated: June 10, 2019

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge

SEND REMITTANCES TO THE FOLLOWING ADDRESS:

Clerk, U.S. District Court
399 Federal Building
110 Michigan Street, NW
Grand Rapids, MI 49503

All checks or other forms of payment shall be payable to "Clerk, U.S. District Court."